



Senate Energy and Technology Committee Testimony
Support for Senate Bill 1083
May 8, 2012

Good afternoon Chairman Nofs and members of the committee. My name is Kathleen Fournier and I am the former CEO of MISS DIG, currently assisting in the transition of the new CEO, Bruce Campbell, who is joining me today.

MISS DIG System Inc supports Senate Bill 1083, which is an effort to update Public Act 53 of 1974 and has been known for many years as the MISS DIG law.

MISS DIG System began in 1970 and was the second one-call center for underground utility damage prevention in the country. Others recognized MISS DIG as the premier one-call center across the country and we hosted many other state representatives during their effort to create their own one-call center. Obviously the name "one-call" was significant because excavators, homeowners, utilities and anyone who wanted to dig only had to call one toll-free number to reach the underground utilities to determine the location of buried utility lines.

MISS DIG has many firsts in our industry: The first state-wide one call center, the first one call center to computerize, the first one-call center to operate 7x24, the first one-call center to accept overhead electric notifications, the first one-call center to receive one million locate requests and most significantly the first one-call center to have a law passed for the purpose of protecting the general public from interruption of utility service as a result of dig-ins to underground utility lines.

The beginning of MISS DIG was the result of the effort of major utility companies, some which are here today, to help reduce costly damages to their underground infrastructure and the potential of those damages resulting in property damage, personal injury and even death of employees and possibly the general public.

I would like to remind the Committee that MISS DIG is a free service for anyone wanting to dig in Michigan. The call is a toll-free and there is no charge to mark the underground utility lines. The operation of MISS DIG is not funded by the state but financially supported by the members of the MISS DIG System. MISS DIG is strictly an in-bound call center and we do not provide the marking of the utility lines – this is performed by the utilities or their contractor.

We have received in excess of 19 million requests for location of underground utility lines, which has resulted in more than 200 million locates by the more than 950 members

of the MISS DIG System. These members represent: gas, pipeline, communication, electric, cable TV, municipal, public agency and private non-utility businesses, such as colleges, hospitals, libraries and most recently environmental and wind farms.

Unfortunately, while we have many firsts to our credit and continue to be looked as one of the leaders in the one-call industry, we have fallen behind the national movement to improve our damage prevention laws.

Senate Bill 1083 is the result of a joint effort of various stakeholders to improve damage prevention and the efforts of the MISS DIG System. MISS DIG has been actively involved in this process for over five years.

I have personally been asked to testify in court regarding certain parts of our law when there is obvious disagreement about who is responsible for damage to an underground utility line. The current law is very vague in many areas and it is extremely difficult for judges, and even attorneys to understand the law and how it should be interpreted. There are very few definitions in the law and as a result, it is left up to interpretations.

Senate Bill 1083 will help reduce the need for interpretations by clarifying what is expected by all parties in an effort to reduce dig-in damages.

This bill will eliminate the need to try to understand "should I call?" Do I have to call? Do I have to hand dig before using power equipment? It clarifies that everyone has to call if they are doing any type of digging or disturbing of the ground.

It emphasizes that anyone who has an underground utility line that provides service must be a member of the MISS DIG System.

It guides the utility companies on their responsibility about locating the underground utility lines in a timely manner and if they don't or can't, that they must render additional assistance to the requesting party.

It requires the MISS DIG System to receive and process locate requests in a timely manner and while being cost-effective to its members.

Unfortunately we all know everyone doesn't abide by laws. This Senate Bill now indicates that those that do not abide by the law can have a penalty assessed against them. A penalty is necessary for the purpose of trying to change the behavior of anyone who thinks they do not have to follow the law and could result in interruption of underground utility service.

In the more than 40 years of MISS DIG being in operation, there has been houses and buildings that have been demolished as a result of contact of an underground gas line during digging; water sources polluted because of damage to an underground sewer line during digging. Excavators, homeowners and innocent bystanders have been injured or killed because of these unfortunate and preventable occurrences.

The citizens of Michigan deserve to have the utility infrastructure that provides them the service they expect when they turn on their lights, turn up the thermostat to heat their house, and access to their communication provider to contact emergency services. The citizens should not have to worry about the loss of these services, as a result of damage to an underground utility line just because a call wasn't made before digging or a utility company, government agency, or municipality didn't mark their facilities because they didn't think it was necessary to be a member of the MISS DIG System and receive notifications of digging in their service territory.

To help ensure that those utilities are there when citizens need them and that people are not injured when digging, Senate Bill 1083 incorporates the best practices put in place more than five years ago through a collaborative effort of the members of the Michigan Damage Prevention Board. Passing of Senate Bill 1083 will improve the current Public Act 53 and will mark a historic change in the State of Michigan's commitment to Public Safety and puts us back on track as a leader in utility damage prevention.

While MISS DIG System believes that additional requirements should be included in this Bill (such as making MISS DIG be statutorily exempt from local real and personal property taxes), we support the bill and are confident that these additional items will be addressed through the on-going effort of the members of Michigan Damage Prevention Board and MISS DIG System with your committee before final approval.

We hope this Committee will agree that this is the right thing to do for the citizens of Michigan and the protection of the utility infrastructure and send this bill for approval by the legislature.